

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :  
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- v. -

JEFFREY TOGNETTI, JR.,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 1/13/2025

: CONSENT PRELIMINARY ORDER  
: OF FORFEITURE/  
: MONEY JUDGMENT  
: 23 Cr. 453 (NSR)  
: \_\_\_\_\_  
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WHEREAS, on or about August 30, 2023, JEFFREY TOGNETTI, JR. (the “Defendant”), was charged in a one-count Indictment, 23 Cr. 453 (NSR) (the “Indictment”), with wire fraud, in violation of Title 18, United States Code, Section 1343 (Count One);

WHEREAS, the Indictment included a forfeiture allegation as to Count One of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense charged in Count One of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Indictment;

WHEREAS, on or about August 31, 2023, the Government seized the following vehicles at the port of Fishkill as constituting the proceeds of the offense charged in Count One of the Indictment:

- a. 2018 Audi R8 GRAY WUAKBAFX6J7900281;
- b. 2018 Land Rover Ranger Rover White SALWZ2SE4JA193374; and
- c. 2021 Mercedes Benz Black 4JGFD6BB5MA396003;

(a. through c., collectively, the “Seized Vehicles”)

WHEREAS, on or about April 2, 2024, United States Customs and Border Protection entered a Declaration of Administrative Forfeiture with respect to the Seized Vehicles forfeiting all right, title and interest in the Seized Vehicles to the Government;

WHEREAS, on or about August 15, 2024, the Defendant pled guilty to Count One of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c) a sum of money equal to \$1,447,770.45 in United States currency, representing proceeds traceable to the commission of the offense charged in Count One of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$1,447,770.45 in United States currency, representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence, with the exception of the Seized Property.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney Jennifer N. Ong, of counsel, and the Defendant and his counsel, Rachel Martin, Esq., that:

1. As a result of the offense charged in Count One of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$1,447,770.45 in United States

currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant JEFFREY TOGNETTI, JR., and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to United States Customs and Border Protection, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Illicit Finance and Money Laundering Unit, 26 Federal Plaza, 38<sup>th</sup> Floor, New York, New York 10278 and shall indicate the Defendant's name and case number.

4. Upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, and pursuant to Title 21, United States Code, Section 853, United States Customs and Border Protection, or its designee the Office of Fines, Penalties, and Forfeiture shall be authorized to deposit the payment on the Money Judgment into the Treasury Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, the Seized Vehicles shall be applied towards the satisfaction of the Money Judgment.

6. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

7. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

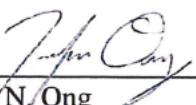
8. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By:   
Jennifer N. Ong  
Assistant United States Attorney  
50 Main Street, Suite 1100  
White Plains, NY 10606  
(212) 637-2224

8/14/2024  
DATE

JEFFREY TOGNETTI, JR.

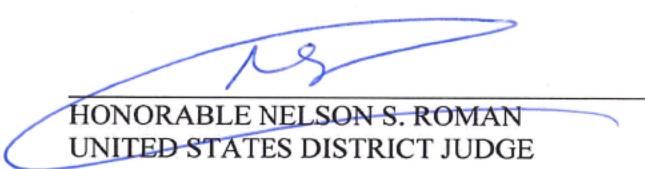
By:   
Jeffery Tognetti, Jr.

08/15/2024  
DATE

By:   
Rachel Martin  
Federal Defenders of New York  
81 Main St., Ste. 300  
White Plains, New York 10601

8/15/2024  
DATE

SO ORDERED:

  
HONORABLE NELSON S. ROMAN  
UNITED STATES DISTRICT JUDGE

12/3/2024  
DATE